

**MINNESOTA DEPARTMENT OF ADMINISTRATION**

**ENVIRONMENTAL ASSESSMENT**

**BEMIDJI, MN**

**MAY 17, 2021**

**PREPARED BY:**

**WSB**

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## EXECUTIVE SUMMARY

This draft environmental assessment (EA) identifies, analyzes, and documents the potential physical, environmental, cultural, and socioeconomic impacts associated with new construction of a State Veterans Home in Bemidji, MN. The proposed action would involve the US Department of Veterans Affairs (VA) awarding a grant to the State of Minnesota to partially fund the construction of the Veterans Home facility and infrastructure. This proposed project would cover approximately 17 acres in SE ¼ of Section 32, Township 147N, Range 33W in the City of Bemidji, Beltrami County, Minnesota. The new 72-bed Home will be approximately 80,257 gross square feet consisting of four 18-bed households and center core for facility operations and administration areas. Each household contains single occupancy resident rooms, kitchen, dining room, living room, den, nursing area, spa and bathing, and staff support.

The purpose of the Proposed Action is to continue to enable the Minnesota Department of Veterans Affairs (MDVA) to provide eligible Veterans and their families with a home atmosphere that is comfortable, inviting and encourages well-being. The philosophy of the design emphasizes strong connections to nature and a simplicity of form to create tranquil settings for meaningful life.

The Proposed Action is needed to meet the MDVA's mission of providing eligible Veterans with high quality long-term care. The potential for environmental impacts of the Proposed Action and No Action alternative are summarized in **Table 1**, below.

**Table 1: Summary of Impact Analysis**

Resource	Proposed Action	No Action
Meets Purpose and Need	Yes	No
Aesthetics	Temporary impacts during construction. No long-term adverse impact	None
Land Use	No adverse impact	None
Air Quality	Particulate emissions during construction are below the de minimis threshold level. Emissions would comply with all permit requirements and regulations.  No significant adverse impact.	None
Cultural Resources	No adverse impact.	None
Geology and Soils	Temporary increase in potential for erosion during construction.  No adverse impact.	None
Hydrology and Water Quality	During construction: Potential for construction runoff to impact surface water quality.  During operation: Increase in impervious will increase runoff.  No adverse impact.	None
Wildlife and Habitat	Removal of trees may result in some displacement.  No adverse impact to listed species.	None
Noise	During construction: temporary increase in noise is expected.  During operation:	None

<b>Resource</b>	<b>Proposed Action</b>	<b>No Action</b>
	Noise levels are not expected to exceed state thresholds. No adverse impact.	
Floodplains and Wetlands	No adverse impact.	None
Socioeconomics	Possible short-term localized beneficial impact to employment during construction as well as a positive workforce development and employment opportunities following completion.  No adverse impact.	None
Community Services	Beneficial impact by providing nursing care services for Veterans and their families.	None
Solid and Hazardous Waste	Solid waste generated during construction and operation would be typical of similarly sized projects and residential facilities. Would comply with all regulations.  No adverse impact.	None
Transportation and Parking	During construction: short-term impacts from construction access.  During operation: Access will be provided from Anne Street. 83 parking stalls will be constructed. Traffic generation expected to be minimal.  No adverse impact.	None
Utilities	No adverse impact.	None
Environmental Justice	No adverse impact.	None
Potential for Generating Substantial Controversy	None	None

# 1 INTRODUCTION

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## 1.1 Project Background

The Minnesota Department of Veterans Affairs (MDVA) is dedicated to serving Veterans and their families by assisting them in securing state and federal benefits, and by providing programs and services related to higher education, benefits, burial, claims, outreach, and Veterans preference.

MDVA also operates five Veterans Homes throughout the state, providing a continuum of long-term care for its residents with a strong emphasis on remembering and recognizing the service and sacrifices of all Veterans. The MDVA partners with various veteran organizations, including county, public, and private Veterans services.

The Proposed Action is for the US Department of Veterans Affairs (VA) to award a grant to the MDVA to partially fund the construction of a new Veterans Home in Bemidji, MN (**Figure 1**). The project would be located on approximately 17 acres of land south of Anne Street Northwest, east of the Sanford Health Facility, and would include the construction of a 72-bed Veterans Home with skilled nursing care, including four 18-bed households and a center core for facility operations and administration areas (**Figure 2**).

## 1.2 Purpose and Need

The purpose of this Proposed Action is to continue to enable the MDVA to provide eligible Veterans and their families in Minnesota with a home atmosphere that is comfortable, inviting and encourages well-being. The philosophy of the design emphasizes strong connections to nature and a simplicity of form to create tranquil settings for meaningful life. The Proposed Action is needed to meet the MDVA's mission of providing eligible Veterans with high quality long-term care.

This EA has been prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with VA's proposed grant to support the MDVA's construction of a new State Veterans Home in Bemidji, MN.

The VA and MDVA are required to incorporate environmental considerations into their decision-making processes for the actions they propose to undertake. This site-specific analysis is conducted in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code 4321 et seq.), the White House Council on Environmental Quality (CEQ) "Regulations Implementing the Procedural Provisions of NEPA" (40 Code of Federal Regulations [CFR] 1500–1508), VA's NEPA regulations titled "Environmental Effects of the Department of Veterans Affairs Actions" (38 CFR Part 26), and VA's NEPA Interim Guidance for Projects (VA 2010). These requirements specify that VA must evaluate the potential environmental impacts of VA facilities, operations, and related funding decisions prior to taking action. The MDVA must apply the NEPA review process and use the information to make an informed decision prior to undertaking a proposed action. An EA provides sufficient evidence and analysis for determining whether an action would cause significant environmental impacts (requiring and EIS) or the agency can issue a finding of no significant impact (FONSI) (40 CFR 1508.9). A FONSI is a decision document that briefly presents the reasons why an action would not have a significant effect on human environment (40 CFR 1508.13). As required by NEPA and the implementing regulations from CEQ and VA, the alternative of taking no action is evaluated, providing a baseline for comparison of potential impacts from the action alternative(s).

This EA:

- Informs the public of the possible environmental impacts of the Proposed Action and its considered alternatives, as well as methods to reduce these effects,
- Provides for public, state, inter-agency, and tribal input into MDVA's planning and evaluation,
- Documents the NEPA process,
- Supports informed decision-making by MDVA.

The decision document for this proposed state undertaking also identifies the actions to which MDVA, as a condition of grant award, would commit to minimize environmental effects, as required under NEPA, its implementing regulations from CEQ (40 CFR 1500–1508) and VA (38 CFR Part 26), and VA's NEPA guidance (VA 2010).

The decision to be made is whether, having considered the potential physical, environmental, cultural, and socioeconomic effects, VA should implement the Proposed Action of grant award including, as appropriate, measures MDVA would implement to reduce adverse effects.

## **2 ALTERNATIVES**

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### **2.1 Development of Alternatives**

The new construction evaluated under the Proposed Action is within the boundary of the property evaluated in the 2019 Phase I Environmental Site Assessment. Working with an architecture-engineering consultant, MDVS considered options within the boundary areas for layout of the site elements, identifying an efficient design that complements the existing aesthetics of the area. The option of not building the project was also considered.

The criteria required to accomplish the Proposed Action includes the construction of an 80,257 gross square foot, 1-level and partial basement Home located in Bemidji, MN. Access to the site would be provided from Anne Street Northwest and utilities will be provided from existing utilities nearby.

### **2.2 Alternatives Retained For Detailed Analysis**

The Proposed Action involves the VA awarding the federal grant which will allow construction of the VA Home within the identified location in Bemidji, Minnesota. The Proposed Action would meet the purpose and need of the project by providing eligible Veterans and their families in Minnesota with a home atmosphere that is comfortable, inviting and that encourages well-being. The proposed Home would provide long-term care to Veterans in this area. The Proposed Action (**Figure 2**) would include:

- A 72-bed State Veterans Home that would be 80,257 gross square feet of four 18-bed households and a center core for facility operations and administration areas.
- Each household would support 18 private rooms (each with a full private bathroom), kitchen, dining room, living room, den, nursing area, spa & bathing, and staff support.
- An access road would be constructed from Anne Street Northwest.
- The site would be landscaped in keeping with the overall appearance, for visual aesthetics and to provide a sound barrier.

The No Action alternative includes the VA not awarding the federal grant. As a result, construction of the new VA Home would not proceed. This alternative would not provide eligible Veterans with quality long-term care in Bemidji, MN. It would negatively impact Veterans and their families in the north-central Minnesota region and would result in this population being underserved in the future. Without the Home, Veterans would need to be cared for in private nursing homes or go without needed nursing care and services. For these reasons, the No Action alternative would create hardships for the families and Veterans and would not meet the purpose and need for the action.



### **3      AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES OF THE ALTERNATIVES**

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This section describes the environmental conditions at and adjacent to the proposed project area and the potential impacts that would occur because of the Proposed Action and the No Action Alternative. The existing conditions provide a baseline for analyzing potential impacts. The analysis considers direct, indirect, short-term or long-term, adverse or beneficial impacts. Where applicable, best management practices and mitigation measures that would minimize or eliminate adverse impacts are identified.

#### **3.1      Aesthetics**

##### *3.1.1      Affected Environment*

The project area consists of approximately 17 acres of mixed tree cover with sparser vegetation in the southeast corner and an old gravel pit near the center of the site. In 1940, the project area was covered in scrub brush with less dense vegetative cover and was potentially used for grazing as seen on adjacent parcels in historic aerial photographs. The area is generally flat, with only 2 feet of fall across the site. The project area is bounded by Anne Street NW and open space to the north, Sanford Health and open space to the west, townhomes to the east, North Country Park and a mobile home community to the south, commercial land to the northeast, and the former site of a landfill to the northwest. US Highway 71 is located 0.75 miles to the west and Lake Bemidji is located 0.80 miles to the east. The project area is visible to motorists and pedestrians on the adjacent roadways, the townhomes, Sanford Heath, and the commercial buildings to the northeast.

##### *3.1.2      Environmental Consequences*

###### Proposed Action

Construction of the Proposed Action would occur within an area that is currently undeveloped and vegetated with medium sized trees. Construction would involve use of heavy grading equipment as well as heavy equipment for the initial building construction. The use of these types of equipment will impact the aesthetics of the area, but the impacts will be temporary. The overall construction of the project is expected to be completed within 18 months. The use of heavy equipment is expected primarily at the beginning of that 18-month construction schedule, and construction-related visual impacts will be minor near the end.

The aesthetics of the building itself, once constructed, will resemble other single-story residential facilities in the area as opposed to commercial or institutional (e.g., hospital) facilities. Courtyard and garden areas will be interspersed with the structural elements (buildings, parking areas) and are intended to bring more visual appeal to the project. Construction of the Proposed Action will result in a long-term change in the aesthetics of the area when compared to the existing undeveloped vegetated land. Aesthetics are objective, so some may find the changes appealing while others may find them adverse. When considering the surrounding land uses and existing developments, the use will be similar to the surrounding setting. Overall, the new Veterans Home is not expected to create a significant adverse impact to the aesthetics of the area.

###### No Action

Under the No Action alternative, the Veterans Home would not be built in this area. The area would continue to be unused tree-covered land into at least the short term but would likely be develop in the future given its proximity to surrounding development. The area is zoned OM – Office/Medical, so future development would have aesthetic impacts similar to the adjacent developed portions of the property.

## 3.2 Land Use

### 3.2.1 *Affected Environment*

The project area consists of approximately 17 acres of undeveloped land owned by Sanford Health of Northern Minnesota. The existing land use is open space and has been since at least 1940. The project area is bounded by one road to the north roadways: Anne Street Northwest. Land use to the north of Anne Street is commercial with open space. The land east of the project area is high density urban residential and the land to the west is public/institutional with approximately 75 acres of open space. Immediately to the south the land is used for park and recreation, then residential (multi-family) further south. The Greater Bemidji Area Joint Planning Board zones the project area as OM – Office/Medical (**Figure 3**).

### 3.2.2 *Environmental Consequences*

#### Proposed Action

Construction of the Proposed Action would occur within an area that is currently undeveloped and vegetated with medium sized trees. The project would construct a Veterans home which is a permitted use (nursing home) under the zoning regulations for OM – Office/Medical. Construction activities would temporarily impact the site. There would be no adverse impacts to the land use or zoning from the Proposed Action.

#### No Action

Under the No Action alternative, the Veterans Home would not be built in this area. The area would continue to be used as undeveloped vegetated land into at least the short term but would likely develop in the future. The area is zoned OM – Office/Medical and future land use for the project area and in the open space to the west is guided for public/institution, so future development would have land use impacts similar to the Proposed Action.

## 3.3 Air Quality

The National Ambient Air Quality Standards (NAAQS), established by the U.S. Environmental Protection Agency (EPA) define the maximum allowable concentrations of pollutants that may be reached but not exceeded within a given time period to protect human health with a reasonable margin of safety. The ambient standards are for the criteria pollutants of carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter (PM), and sulfur dioxide (SO<sub>2</sub>). Particulate matter is further defined by size – less than 10 micrometers in diameter (PM<sub>10</sub>) and less than 2.5 micrometers in diameter (PM<sub>2.5</sub>). While ozone is a regulated pollutant, it is not emitted directly from sources but is formed by a combination of nitrogen oxides and volatile organic compounds (VOCs) reacting with sunlight in the atmosphere. Exceeding any of the NAAQS constitutes nonattainment of the standard in the area. A federally enforceable state implementation plan (SIP) is required for areas of nonattainment, and an EPA-approved maintenance plan is required when an area is reclassified from nonattainment to attainment.

### 3.3.1 *Affected Environment*

The project area is within an attainment area for all criteria pollutants; therefore, General Conformity (40 CFR Part 93, Subpart B) analysis is not needed. No air emissions permits are currently held for the site.

The “closed” Kummer Sanitary Landfill is located to the northwest of the project area and was identified in the Phase I Environmental Site Assessment report as an off-site recognized environmental condition (REC) potential vapor source. However, the Minnesota Pollution Control Agency (MPCA) conducted a vapor intrusion assessment at the landfill in 2019 and based on those results the landfill does not pose a vapor mitigation risk to the project site. The record review of the Kummer Sanitary Landfill is attached in **Appendix B**.

### 3.3.2 *Environmental Consequences*

#### Proposed Action

Construction of the Proposed Action would produce dust and particulate emissions during the grading and construction stages. Construction contractors would be required to minimize exhaust emissions by maintaining equipment in accordance with state and federal regulations. Dust on the site would be minimized by using control measures such as water application, utilizing rock construction entrances, street sweeping frequently on roadways adjacent to the construction site. Fuel combustion in construction vehicles would temporarily result in increased emissions of VOCs, NOx, SO<sub>2</sub>, PM<sub>2.5</sub> and CO. The construction contractor would implement Best Management Practices (BMPs) such as use of compressed natural gas as fuel and minimizing idling of construction and delivery vehicles to the extent practicable to minimize impacts. Construction workers would use privately owned vehicles to travel to and from the project site during the construction, which would also result in temporary emissions. Construction activities at the project site would not significantly adversely affect air quality and no vapor mitigation will be necessary for this project.

During operation of the Veterans home stationary air emissions will occur as the result of use of heating and cooling (HVAC) units and refrigeration units, transport, treatment, storage of solid waste and wastewater produced onsite, and vehicle emissions.

Neither construction or operation of the facility is expected to exceed the state or federal thresholds for requiring an Air Quality permit. Potential air quality impacts would be minimized by implementing the requirements for protection of air resources including compliance with federal and state air quality regulations and standards, and control of particulate matter, carbon monoxide emissions, and odors and complying with the emission limitations, operating limitations, and other requirements detailed in 40 CFR 63 Subpart ZZZZ (§63.6605). Other air quality impact minimization measures exist and may be considered, including:

1. Use energy efficient building materials that reduce needs for home heating and cooling.
2. Install energy star appliances and programmable thermostats (already assumed).
3. Install smart irrigation, or no irrigation at all, to reduce outdoor water use.
4. Utilize the city's recycling program and compost site for organic solid waste to reduce the burden on and future methane emissions from local solid waste landfills.

Overall, both short- and long-term air quality impacts from both construction and operation of the Proposed Action are not expected to be significant.

#### No Action

Under the No Action alternative, the Veterans Home would not be built in this area. Air quality would not be affected. The land would continue to be undeveloped for at least the short term. The site would likely develop in the future, which would impact air quality in ways similar to the Proposed Action.

### 3.4 **Cultural Resources**

Cultural resources include both archaeological resources and historic above-ground resources. The National Historic Preservation Act (NHPA) of 1966 (Public Law 89-665; 54 U.S.C § 300101 et seq.) as amended, outlines Federal policy to protect historic properties and promote historic preservation in cooperation with States, Tribal governments, local governments, the public and other consulting parties. The NHPA established the National Register of Historic Places (NRHP) and designated the Minnesota State Historic Preservation Office (SHPO) as the entity responsible for administering State-level programs in the state of Minnesota. Section 106 of the NHPA outlines the procedures that Federal agencies follow to consider the effect of their actions on historic properties. The Section 106 process applies to a Federal undertaking that has the potential to affect historic properties, defined in the NHPA as those properties

(i.e., archaeological sites, buildings, structures, historic districts, and objects) that are listed in or eligible for listing in the NRHP.

#### *3.4.1 Affected Environment*

The project's Area of Potential Effect (APE) consists of approximately 17 acres of undeveloped land in the SE ¼ of Section 32, Township 147N, Range 33W in the City of Bemidji, Beltrami County, Minnesota. Areas within approximately 0.5 mile of the APE contain buildings which have been built within the last approximately 20-25 years.

Under the 2019 authorization allowing grant recipients to initiate Section 106 consultation on VA's behalf, MDVA consulted with SHPO on the proposed undertaking. SHPO found that because the project area and immediate vicinity did not contain any previously identified historic properties and that the likelihood for intact archaeological sites being present within the project area was very low, the proposed undertaking would have no historic properties affected.

To meet its Tribal Consultation responsibilities, VA consulted with federally recognized tribes with interests in the project area. VA received a response from the Leech Lake Band of Ojibwe and is currently continuing this consultation.

#### *3.4.2 Environmental Consequences*

##### Proposed Action

The Proposed Action would involve construction of the Veterans home and would include grading and excavation. SHPO indicated that the likelihood of intact archaeological sites was very low and an archaeological survey was not warranted. Correspondence from SHPO is included in **Appendix B**. Based on the review completed by SHPO, no historic properties will be affected by the proposed project. If during construction cultural resources are discovered construction would halt and the SHPO and the Leech Lake Band of Ojibwe would be consulted.

##### No Action

The No Action alternative would not construct the Veterans Home in this area. The No Action alternative would not impact cultural resources, though the site would likely develop in the future which would require grading and excavation in ways similar to the Proposed Action. The SHPO indicated that no historic properties are present in the vicinity of the project and that the likelihood of intact archaeological resources is low.

### **3.5 Geology and Soils**

Geology and soils include the physical surface and subsurface features and landforms of the project area. The Farmland Protection Policy Act (FPPA) (7 USC §4201 et seq.) states that Federal agencies must "minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses..." (NRCS 2013). Resources protected by the FPPA include prime and unique farmland. However, according to the FPPA, farmland does not include land that is already in or committed to urban development (NRCS 2013). The definition of farmland already in urban development includes lands identified as "urbanized areas" on the U.S. Census Urban Area Reference Maps.

#### *3.5.1 Affected Environment*

The 17-acre project area has generally flat topography with an elevation change from 1378 feet above mean sea level in the northern part of the site to 1376 feet in the southern part. According to the National Resource Conservation Service Web Soil Survey, the project area is mapped as Urban land-Graycalm complex (1085B) with 1 to 6 % slopes which are classified as not prime farmland (**Figure 4**). A Phase I ESA was completed within the project area and based on the

findings no further investigation was warranted. The central portion of the site was historically used as a gravel borrow pit.

According to the Minnesota Geologic Survey, surface geology at the project area consists of outwash sandy loamy diamicton associated with at least three advances of the Koochiching lobe. Underlying bedrock is at a depth of approximately 493 feet and consists of Bemidji Batholith, a complex array of mostly granitic intrusions.

### *3.5.2 Environmental Consequences*

#### Proposed Action

The Proposed Action would include short-term adverse erosion and sedimentation impacts during construction of the project. Construction activities (including vegetative clearing, site grading, new roadway and parking construction, and building construction) would disturb and expose subsurface soils, increasing susceptibility to wind and surface runoff erosion. Wind erosion could temporarily increase airborne particulate matter in the area resulting in short-term health, visibility, and aesthetic impacts. Temporary increases in sedimentation in stormwater drainages could occur as a result of surface runoff erosion. Soils generated during excavation would be reutilized in areas requiring fill material or transported offsite. Site topography would not be substantially altered. Drainage changes resulting from changes to the site topography are anticipated to be minimal and would be monitored for erosion potential through routine stormwater management site inspections.

Potentially adverse impacts from erosion and sedimentation would be minimized by implementing best management practices in conformance with the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater General Permit. A site-specific erosion prevention and sediment control plan and Stormwater Pollution Prevention Plan (SWPPP) will be implemented prior to ground-disturbing activities. These plans include the erosion control BMPs during and after construction, project phasing, and soil stabilization techniques. Excavated soils will be managed in accordance with the applicable local, state, and federal regulations. If contaminated materials are encountered during construction activities, work will cease until the appropriate procedures could be implemented. The construction of the Veterans Home will not adversely affect geology or soils.

#### No Action

The No Action alternative would not construct the Veterans Home in this area. No Action would not impact geology or soils, though the site would likely develop in the future which would require grading and excavation in ways similar to the Proposed Action.

## **3.6 Hydrology and Water Quality**

Hydrology addresses surface and stormwater drainage patterns, whereas water quality addresses the control of stormwater runoff to protect the quality of receiving waters, and the presence and quality of groundwater. The CWA (33 U.S.C. §1251 et seq.), as amended in 1977, established the basic framework for regulating discharges of pollutants into the waters of the United States (WOUS). The CWA National Pollutant Discharge Elimination System (33 U.S.C. §1342) requires permits for stormwater discharges associated with construction activities. Regulations require coverage under the NPDES/SDS Construction Stormwater General Permit and the preparation of a SWPPP.

### *3.6.1 Affected Environment*

The project area is located 0.88 miles to the west of Bemidji Lake and 1.10-mile northeast of Grass Lake. Neither are on the Section 303(d) impaired waters list. No infrastructure is currently contributing to the stormwater within the project area. The static groundwater level is located near 18 feet below the ground surface according the nearby well logs.

### 3.6.2 *Environmental Consequences*

#### Proposed Action

The Proposed Action would expose soils at the ground surface to elements of erosion from stormwater runoff which could result in temporary adverse impacts on water quality. Potential impacts would be minimized with the use of erosion prevention and sediment control BMPs and with implementation of the SWPPP as required by the NPDES/SDS Construction Stormwater General Permit. The Veteran Home includes a partial basement (7,200 gross square feet) and the construction of the basement may require temporary construction dewatering depending on site conditions. If dewatering is required, water will be pumped in a manner to prevent erosion and water will be pumped to another location onsite to remain within the original water source. The contractor will obtain a DNR Water Appropriations Permit, if necessary.

An increase in impervious surfaces at the project area due to the construction of new buildings, parking lots, and new access road would result in an increase in the quantity and rate of stormwater discharge from the site. The Minnesota Pollution Control Agency (MPCA) requires permanent stormwater management to meet their requirements if the amount of disturbed area will be 1.0 acre or more. The MPCA requires that the proposed runoff from the site shall not exceed existing 5.66 cubic feet per second for the 100-yr 24-hour storm event, 80% total suspended solids is required for water quality, and volume control includes one inch abstracted from the impervious areas on site. The B3 guidelines similar requirements to the MPCA. The site disturbance will be approximately 12 acres so stormwater management would be required for the development of the site. The existing depression north of the new building will be reshaped to create an infiltration basin to accommodate the majority of stormwater for the site. The Proposed Action would not adversely affect the hydrology or water quality of the site.

#### No Action

Under the No Action alternative, the Veterans Home would not be built in this area. Hydrology and water quality would not be changed. The land would continue to be undeveloped for at least the short term. The site would likely develop in the future, which would impact hydrology and water quality in ways similar to the Proposed Action.

## **3.7 Wildlife and Habitat**

The ESA (16 USC 1531-1544) provides a program for the conservation of threatened and endangered plants and animals and their habitats. Under Section 7 of the ESA, all Federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration's National Marine Fisheries Service, are required to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of federally-listed threatened or endangered species, or designated critical habitats. The DNR Natural Heritage Program maintains the Natural Heritage Information System (NHIS) database of information on Minnesota's rare plants, animals, native plant communities, and other rare features.

### 3.7.1 *Affected Environment*

The project area consists of medium and small-sized mixed deciduous and coniferous trees. The central portion of the site is unvegetated and was historically used as a gravel pit. The southeast portion of the site is more sparsely vegetated than the remainder of the site. The parcel is surrounded by development and provides no connections to large tracts of contiguous woodland. No surface water resources are located on or adjacent to the site.

According to the DNR NHIS database (License Agreement No. 1003) there are no state-listed threatened or endangered species within the project area.

According to the USFWS Information for Planning and Consultation (IPaC) data viewer, the following federally-listed species may be located within Beltrami County. An official species list is included in **Appendix B**:

- Northern long-eared bat (*Myotis septentrionalis*) – a federally-listed threatened bat species. The Minnesota DNR maintains a map of known maternity roosts and hibernacula. The project area does not contain any known maternity roosts or hibernacula.
- Canada lynx (*Lynx canadensis*) – a federally-listed threatened feline species. The project area is located on the western edge of the range for the Canada lynx and is not located in critical habitat. A desktop analysis of the project area showed that the project area habitat consists of small to medium mixed deciduous and coniferous trees. Based on the species profile for the Canada lynx and their prey, snowshoe hare (*Lepus americanus*), the site could provide habitat for transient or dispersing individuals of this species. No known surveys of these species have been completed at the site.

### 3.7.2 Environmental Consequences

#### Proposed Action

The Proposed Action will clear approximately 12 acres of trees for the construction of the Veterans Home and access road. Construction noise and activity would cause temporary disturbance to resident wildlife that would typically occur in the area, such as birds, deer, etc. Past use of the site as a gravel pit likely created similar disturbances within the project area and wildlife that utilize the site would be conditioned to these activities. Post construction, these species may continue to utilize the remaining trees surrounding the site. Permanent loss of trees will deter certain species from continuing to use the land post construction. Landscaping around the Veteran Home will allow for some replacement of lost trees and shrubs, but this project will result in a net loss of small to medium-sized tree habitat. The following determinations were made regarding the effect that the project will have on threatened or endangered species.

- Northern long-eared bat (*Myotis septentrionalis*) – a federally-listed threatened bat species. The IPaC determination key was used to determine that the project may affect this species but will not adversely affect this species if tree clearing and grubbing is performed between August 1 and May 31 (inclusive), outside of the maternity season. The 'may affect' determination letter is attached in **Appendix B**.
- Canada lynx (*Lynx canadensis*) – a federally-listed threatened feline species. Since the project will be clearing trees and removing potential habitat but is located at the far peripheral range in a location with few known populations of the lynx, it was determined that this project may affect, but will not adversely affect the Canada lynx. A 'may affect' determinate letter was submitted to the USFWS for informal consultation. The 'may affect' determination letter and informal consultation concurrence from the USFWS are attached in **Appendix B**.

#### No Action

Under the No Action alternative, the Veterans Home would not be built in this area. Trees would not be cleared, and the habitat of the site would not be changed. The land would continue to be undeveloped at least for the short term. The site would likely develop in the future, which would impact habitat in ways similar to the Proposed Action.

## 3.8 Noise

The Noise Control Act of 1972 (42 USC 4901 et seq.) directs Federal agencies to comply with applicable Federal, State, interstate, and local noise control regulations. Noise is considered any undesirable sound that interferes with normal activities or otherwise diminishes the quality of the environment. It may be intermittent or continuous, steady or impulsive, stationary or transient.

In 1981, the EPA concluded that noise issues were best handled at the State and local level. In Minnesota, the MPCA is responsible for enforcement of the noise regulations. Minnesota's primary noise limits are set by noise area classifications (NACs) based on the land use at the location of the person that hears the noise. They are also based on the sound level in decibels (dBA) over ten percent (L<sub>10</sub>), or six minutes, and fifty percent (L<sub>50</sub>), or thirty minutes, of an hour.

These rules are outlined below:

NAC	Common Land Use	Daytime		Nighttime	
		L <sub>10</sub>	L <sub>50</sub>	L <sub>10</sub>	L <sub>50</sub>
1	Residential, Religious Activities, Hospitals, Schools, Camping and Picnicking Areas	65	60	55	50
2	Retail, Business, Government, Recreational Transit Passenger	70	65	70	65
3	Manufacturing, Fairgrounds and Amusement Parks, Agricultural and Forest Activities.	80	75	80	75

The local noise ordinance in Bemidji (Ordinance Number 392) has adopted the noise pollution control section of the state regulations published by the state Pollution Control Agency (PCA), Minn. Rules 7030.0010 et seq. The PCA has standards describing maximum levels of noise. The City's general prohibition states "no person shall make, continue or cause to be made, any distinctly and loudly audible noise, that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value...".

The Occupational Safety and Health Administration (OSHA) regulates noise impacts on workers with limits to ensure that workers are not exposed to an 8-hour, time-weighted average of 90 dBA or noise levels for any duration higher than 115 dBA. Exposure to impulsive or impact noise (i.e., loud, short duration sounds) is not to exceed 140 dB peak unweighted sound pressure level.

### 3.8.1 *Affected Environment*

The project area consists of approximately 17 acres of undeveloped, vegetated land. Land use to the north of Anne Street is commercial with open space. The land east of the project area is high density urban residential and the land to the west is public/institutional with approximately 75 acres of open space. Immediately to the south the land is used for park and recreation, then residential (multi-family) further south. Noise Area Classifications for the project area fall into NAC 1.

The current use of the site produced no noise. Past operations of the site as a gravel pit would have produced noise at a level above the Proposed Action. Other sources of noise from adjacent properties includes sounds such as those from heating and ventilation systems, landscape maintenance (mowing), and other general maintenance activities. None of these sources produce noise that would be defined as excessive.

### 3.8.2 *Environmental Consequences*

#### Proposed Action

The Proposed Action would involve construction of the Veterans Home which would increase ambient noise in the areas surrounding the site. Increases in noise levels would occur from the operation of heavy equipment (such as bulldozers, backhoes, etc.) and haul/dump/concrete trucks. Noise associated with different construction phases can vary greatly depending on the equipment being used; most construction heavy equipment (bulldozers, dump trucks, excavators)



operate at a noise level of 80-90 dBA; however, noise levels depend on type and model of equipment, the operation being performed, condition of the equipment, and length of time the equipment is operated. Noise levels from construction sites measured approximately 90 dBA at a distance of 50 feet from the center of a site (CERL 1978). Sites in flat-lying areas with minimal vegetation experience noise attenuation at a rate of 6 dBA for each doubling of distance (100, 200, 400, 800 feet) between the noise source and the receptor (CERL 1978). A receptor located between 400 and 800 feet from the center of a construction site could hear intermittent construction noise levels between 72 and 66 dBA (with no attenuation), which are comparable levels to heavy traffic at 300 feet, a commercial bus area, or a lawn mower at 100 feet. The intermittent increase in noise would likely be an annoyance but would not exceed typical noise thresholds; thus, impacts would not be significant. The daily commute of construction workers and deliveries of construction materials to the project site would also add to traffic noise in the area. To mitigate construction-related noise impacts:

- Construction activities would take place during normal business hours to the maximum extent practicable;
- Equipment and machinery used at the project site would meet all local, State, and Federal noise regulations; and
- Personnel exposed to noise levels exceeding OSHA limits from heavy equipment during construction would be required to wear appropriate hearing protection and practice safety BMPs in accordance with OSHA regulations.

During operation of the facility, noise levels would be reduced when compared to construction noise. Sources of noise would include those caused by HVAC systems and normal maintenance of the property (e.g., mowing, snow removal, etc.). Noise levels are not expected to exceed the state standards and therefore significant noise impacts are not expected.

#### No Action

The No Action alternative would not build the Veterans Home within the project area and there would be no noise-related impacts. The project area would remain undeveloped and vegetated for at least the short term but would likely develop in the future and ultimately cause noise impacts in ways similar to the Proposed Action.

### **3.9 Floodplains, Wetlands, and Coastal Zone Management**

Water resources are protected by a variety of regulations in the United States. Executive Order 11988 requires Federal agencies to avoid actions that adversely impact floodplains where there is a practicable alternative, and to minimize harm when avoidance is not feasible. The Federal Emergency Management Agency (FEMA) uses Flood Insurance Rate Maps (FIRMs) to identify the 100-year regulatory floodplain for the National Flood Insurance Program. Executive Order 11990 requires Federal agencies to minimize the destruction, loss, or degradation of wetlands. The Clean Water Act (CWA) protects the surface waters of the nation through the National Pollutant Discharge Elimination System (NPDES) and through Section 404. Under the NPDES program, no point source (pipe, facility, etc.) can discharge into a WOUS without an NPDES permit. The EPA has authorized the State of Minnesota to administer the NPDES program. Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for, among other things, development projects. The US Army Corps of Engineers oversees the Section 404 permit program.

#### *3.9.1 Affected Environment*

The project area is unmapped by FEMA, and not within floodplain according to DNR DFIRM panels. The project area is located outside of the 1000-foot lake buffer that surrounds Bemidji Lake. According to the National Wetland Inventory, there are no wetlands mapped within the project area. A wetland delineation has not been completed for project. The topography of the site is generally flat and the soils of the site are classified as non-hydric Urban land-Graycalm

complex (1085B). Based on these data, it is unlikely that wetlands are present within the project area. Nearby water resources are shown on **Figure 5**.

### *3.9.2 Environmental Consequences*

#### Proposed Action

The Proposed Action would not adversely impact regulated floodplains or wetlands, because none exist within the project area.

#### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain undeveloped and vegetated for at least the short term. It is likely that the project area would develop in a manner similar to the Proposed Action in the future, though no adverse impacts to floodplain or wetland would occur because those features do not exist in the area.

## **3.10 Socioeconomics**

The socioeconomic environment includes demographics, employment and income, and housing. The environmental health risks and safety risks to children were also considered, as required by EO 13045 Protection of Children from Environmental Health Risks and Safety Risks.

### *3.10.1 Affected Environment*

The site is located on approximately 17 acres of wooded undeveloped land. The population of Bemidji as of the 2010 Census was 13,431. Demographics of the project area (Block Group 270074502001) include 16% persons of color, 48% low income, and 5% having less than a high school education.

### *3.10.2 Environmental Consequences*

#### Proposed Action

The Proposed Action would involve construction of the Veterans Home. In the short-term, construction activities would make a slight contribution to the local economy through the possible use of local construction materials and supplies as well as use of local businesses by construction employees.

During operation, the Veterans Home would likely provide a few long-term employment opportunities for area residents. Local businesses would also benefit indirectly from spending by employees, residents, and their visitors. New businesses could open in the area to support the users of the Veterans Home. There would be long-term benefits to Veterans who would no longer need to travel long distances to receive care from a facility dedicated to Veterans. Neither construction nor operation of the facility is expected to result in significant adverse effects to the socioeconomics of the area.

#### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain undeveloped and vegetated for at least the short-term. No changes to socioeconomics of the area would occur, though it is likely that the project area would develop in a manner similar to the Proposed Action in the future.

## **3.11 Community Services**

Community services include fire and police protection, emergency services, schools, recreational areas, and utilities such as water, sanitary, and storm sewer.

### *3.11.1 Affected Environment*

The project area is in an area that has police and fire protection services, emergency and hospital services, nearby schools and religious facilities, and nearby recreational trails and parks. The project area is currently undeveloped so is not currently served by utilities, though they are located nearby.

### *3.11.2 Environmental Consequences*

#### Proposed Action

The Proposed Action would involve construction of the Veterans Home. The area would be served by the City of Bemidji police and fire department and residents would have access to the nearby hospitals, recreational areas, and schools. Several utilities would be extended to the site. Minnesota Energy has access to gas lines on the north side of Anne Street and gas utilities would be extended from this location into the site parallel to the new access road. Sanitary sewer would be extended to the west through Sanford Health property. It is anticipated that the new sanitary services from the project would be gravity fed to an existing manhole. There is an 8-inch water line stubbed out past the cul-de-sac in 35<sup>th</sup> Street east of the site. It is anticipated that the water lines from the 35<sup>th</sup> Street cul-de-sac to the existing 10-inch main north of Anne Street will be connected together with a new 8-inch water main. A new 8-inch water service will be routed to the new building. New catch basins will need to be installed to collect the roof drains, courtyards and pavement surfaces. The storm sewer will be routed to the new stormwater management systems discussed in the next section. The Proposed Action is not expected to have a significant adverse impact, or impose any additional requirements on, these community services.

#### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain undeveloped and vegetated for at least the short term. No changes to the community services of the area would occur, though it is likely that the project area would develop in a manner similar to the Proposed Action in the future.

## **3.12 Solid and Hazardous Materials**

Hazardous substances are defined as any solid, liquid, contained gaseous, or semi-solid waste, or any combination of wastes that pose a substantial present or potential hazard to human health and the environment. Hazardous substances are primarily generated by industries, hospitals, research facilities, and the government. Improper management and disposal of hazardous substances can lead to pollution of groundwater or other drinking water supplies, and the contamination of surface water and soil. The primary Federal regulations for the management and disposal of hazardous substances are the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA; 42 USC sections 6901 et seq.). The MPCA is responsible for administering the CERCLA and RCRA in Minnesota. The MPCA also administers rules governing above- and below-ground petroleum storage tanks and solid wastes.

### *3.12.1 Affected Environment*

A Phase I Environmental Site Assessment was completed at the project area in January 2019. One recognized environmental condition was found to occur off-site as identified by 40 CFR Part 312 and ASM E1527-13. The “closed” Kummer Sanitary Landfill is located to the northwest of the project area and was identified in the Phase I Environmental Site Assessment report as an off-site recognized environmental condition (REC) potential vapor source. However, the Minnesota Pollution Control Agency (MPCA) conducted a vapor intrusion assessment at the landfill in 2019 and based on those results the landfill does not pose as vapor mitigation risk to the project site (**Appendix B**). No buildings exist in the project area.

### *3.12.2 Environmental Consequences*

#### Proposed Action

During construction of the Proposed Action, construction activities would result in the potential for short-term adverse impacts due to the presence and use of petroleum and hazardous waste products. Proper handling and storage of these substances would minimize the risk of spills. The SWPPP would outline the requirements for minimizing spill risk. Solid waste reduction would also be prioritized during construction, with at least 75% of nonhazardous construction and demolition waste diverted from a landfill. Construction and waste materials do not include land-clearing debris (including trees, rocks, and vegetation), excavated soils, and fill and base materials such as topsoil, sand, and gravel.

Operation of the Veterans Home will generate solid wastes, medical wastes, and small amounts of hazardous wastes typical of care facilities. Handling, storage, and disposal of these substances will be done in accordance with federal, state, and local regulations. Adherence to these regulations would minimize the potential for spills or contamination. Therefore, neither construction or operation of the facility in the Proposed Action is expected to cause significant adverse impacts with regard to solid or hazardous materials.

#### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain in agricultural use for at least the short term. No impacts related to solid or hazardous wastes would occur, though it is likely that the project area would develop in a manner similar to the Proposed Action in the future.

## **3.13 Transportation and Parking**

Transportation and parking address the roadway network and physical structures that move a population throughout a specific area. The availability of transportation infrastructure and its capacity to support growth are generally regarded as essential to an area's economic growth.

### *3.13.1 Affected Environment*

The project area is currently undeveloped and covered in trees. Adjacent roadways include Anne Street northwest to the north. No formal access exists to the site and no parking is available within the site. No formal traffic studies have been performed in the area.

### *3.13.2 Environmental Consequences*

#### Proposed Action

Construction of the Proposed Action would create additional traffic to the area during both the construction and operation phases of the project. During construction, short-term impacts from construction employees accessing the site would occur but are not expected to adversely impact the transportation network.

During operation, the facility would gain access to Anne Street Northwest and would construct 83 parking stalls for residents, employees, and visitors. The project is not expected to adversely impact the transportation network.

#### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain undeveloped and vegetated for at least the short term. No impacts related to transportation or parking would occur, though it is likely that the project area would develop in a manner similar to the Proposed Action in the future.

### **3.14 Utilities**

Utilities include municipal water, sanitary sewer, electricity, gas, stormwater, and telecommunication services.

#### *3.14.1 Affected Environment*

The project area is currently undeveloped so is not currently served by utilities, though they are located nearby. Several utilities exist along Anne Street, 35<sup>th</sup> Street, and 34<sup>th</sup> Street nearby the project area.

#### *3.14.2 Environmental Consequences*

##### Proposed Action

Construction of the Proposed Action would require modifications to the utility network. Several utilities would be extended to the site.

##### *Gas*

Minnesota Energy has access to gas lines on the north side of Anne Street that will be extended to the site parallel to the new access road.

##### *Sanitary*

Sanitary sewer would be routed from the cul-de-sac at 35<sup>th</sup> Street east of the site and the new sanitary service from the project will be gravity fed to the existing manhole (**Figure 6**).

##### *Water*

There is an existing 8-inch water main west of the project area in 34<sup>th</sup> Street south of the Sanford Health facility as well as a 10-inch water main north of Anne Street. There is also an 8-inch water line stubbed out past the cul-de-sac in 35<sup>th</sup> Street east of the site. It is anticipated that the water lines from the 35<sup>th</sup> Street cul-de-sac to the existing 10-inch main north of Anne Street would be connected together with a new 8-inch watermain and a new 8-inch water service would be routed to the new building.

##### *Stormwater*

New catch basins would be installed to collect the roof drains, courtyards and pavement surfaces. The storm sewer would be routed to the new stormwater management systems.

The Proposed Action is not expected to have a significant adverse impact, or impose any additional requirements on, these utilities.

##### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain in agricultural use for at least the short term. No impacts related to utilities would occur, though it is likely that the project area would develop in a manner similar to the Proposed Action in the future.

### **3.15 Environmental Justice**

The goal of environmental justice from a Federal perspective is to ensure fair treatment of people of all races, cultures, and economic situations with regard to the implementation and enforcement of environmental laws and regulations, and Federal policies and programs. EO 12898 Federal Action to Address Environmental Justice in Minority Populations and Low Income Populations (and the February 11, 1994, Presidential Memorandum providing additional guidance for this EO) requires Federal agencies

to develop strategies for protecting minority and low-income populations from disproportionate and adverse effects of Federal programs and activities. The EO is “intended to promote non-discrimination in Federal programs substantially affecting human health and the environment.”

#### *3.15.1 Affected Environment*

The site is located on approximately 17 acres of wooded undeveloped land. The population of Bemidji as of the 2010 Census was 13,431. Demographics of the project area include 16% persons of color, 30% low income, and 5% having less than a high school education. A mobile home community is located 0.20 miles south of the project area but is separated by a Park and 30<sup>th</sup> Street Northwest.

#### *3.15.2 Environmental Consequences*

##### Proposed Action

The Proposed Action would involve construction of the Veterans Home. Some short-term, minor noise and visual impacts may occur during construction, but these are not expected to disproportionately impact environmental justice populations. During operations, the Veterans Home would likely provide a few long-term employment opportunities for area residents. There would be long-term benefits to Veterans who would no longer need to travel long distances to receive care from a facility dedicated to Veterans. Operation of the facility is not expected to disproportionately impact environmental justice populations.

##### No Action

The No Action alternative would not construct the Veterans Home within the project area, and it would remain undeveloped and vegetated for at least the short term. No impacts to environmental justice populations in the area would occur, though it is likely that the project area would develop in a manner similar to the Proposed Action in the future.

### **3.16 Cumulative Impacts**

Cumulative actions are actions which, when viewed with other proposed actions, have cumulatively significant impacts and should therefore be discussed in the same impact statement.

The Proposed Action is taking place within an area of Bemidji that is zoned for office/medical. Surrounding vacant land areas are zoned office/medical to the south and west and rural to the north. No other developments are currently proposed adjacent to the project area that would interact with the Proposed Action impacts to create cumulative impacts, but it is reasonable to assume that development would occur in the future since the vacant parcels to the north and west are planned for conversion per the approved zoning. Potential actions that could contribute to cumulative impacts would primarily include construction in the areas surrounding the project and would likely result in cumulative effects on various resources. However, as described below, none of these cumulative effects are expected to be significant.

##### *Aesthetics*

The proposed Veterans Home resemble other single-story residential facilities in the area as opposed to commercial or institutional (e.g., hospital) facilities. Construction within the vacant parcels surrounding the site would result in short-term aesthetic impacts similar to the Proposed Action. Once constructed, it is anticipated that the areas south and west the project site would be converted to office or medical facilities per the approved and contribute to long-term visual impacts when compared to the existing aesthetics of the wooded areas. The vacant lands to the northwest are not expected to develop significantly due to their rural zoning designation. Cumulative impacts from those developments, when combined with the Proposed Action, would be insignificant.

### *Land Use*

The Proposed Action is allowed as a conditional use under the zoning regulations for R2 – Multifamily Residential. The planned land use of the surrounding area would not be impacted, and no adverse cumulative impacts would occur.

### *Air Quality*

The increase in air pollutant emissions associated with the Proposed Action construction and operations would result in negligible additions of air quality pollutants including greenhouse gas emissions at a local and regional scale. Therefore, significant impacts on air quality or climate change under the Proposed Action, when combined with other reasonably foreseeable actions, are not expected. Compliance with State and Federal permitting requirements would ensure cumulative air quality effects do not exceed the threshold of significance.

### *Cultural Resources*

The Proposed Action would result in ground-disturbing activities and minor changes in the viewshed for above-ground historic properties. The MN SHPO has indicated that the Proposed Action will have no effect to historic properties and that the likelihood of intact archaeological sites is very low. Therefore, there would be no adverse impacts to cultural resources. If cultural resources are discovered during construction, work would be halted, and the MN SHPO would be consulted for further direction.

### *Geology and Soils*

The Proposed Action will result in ground disturbance during construction. Other reasonably foreseeable future actions would also likely result in ground disturbance during construction and potentially adverse impacts from erosion. Adherence to the State and Federal regulations, including implementation of erosion control BMPs and erosion and sediment control plans, would ensure that no significant cumulative effects would occur.

### *Hydrology and Water Quality*

The Proposed Action and reasonably foreseeable future actions would likely include grading and excavation which would expose soils to surface water runoff and could temporarily impact water quality. Potential impacts would be minimized by incorporating erosion and sediment control BMPs and implementing a SWPPP. Projects that disturbed more than 1 acre of soils, would require an NPDES permit. Increases in impervious surfaces would be required to meet the MPCA's rate control, water quality, and volume control requirements. Adherence to local, State, and Federal regulations would ensure that no significant cumulative effects would occur.

### *Wildlife and Habitat*

The Proposed Action and reasonably foreseeable future actions would change the environment within each project site from wooded to developed areas. These developed areas would likely include impervious surfaces, vegetated areas, and water quality BMPs such as stormwater ponds. Changes in habitat, noise, and light disturbances are likely to cause minor short- and long-term impacts to wildlife and habitat; however, these impacts are not expected to be significant.

### *Noise*

The Proposed Action and reasonably foreseeable future actions would result in an increase in ambient noise. Temporary increases in noise levels would occur from the operation of heavy equipment (such as bulldozers, backhoes, etc.) and haul/dump/concrete trucks during construction. Construction activities would likely be spaced out over time, thus reducing the potential for short-term impacts from construction noise. Once developed, noise levels would be reduced when compared to construction noise. Sources of noise would include those caused by HVAC systems and normal maintenance of properties (e.g., mowing, snow removal, etc.). Noise levels would not be expected to exceed the state standards and therefore cumulative significant noise impacts are not expected.

### *Floodplains, Wetland, and Coastal Management Zones*

The Proposed Action would not impact floodplains, wetlands, or coastal management zones because none exist in the area. Based on a review of desktop data for these resources, few occur in the

undeveloped areas surrounding the Proposed Action. Adherence to state and federal regulations related to these resources would ensure that cumulative impacts would not be significant.

#### *Socioeconomics*

The Proposed Action and reasonably foreseeable future actions would likely make a slight contribution to the local economy during construction through the possible use of local construction materials and supplies as well as use of local businesses by construction employees.

During operation, the Veterans Home would likely provide a few long-term employment opportunities for area residents and local businesses would also benefit indirectly from spending by employees, residents, and their visitors. This may provide minor beneficial cumulative impacts in the surrounding communities.

#### *Community Services*

The Proposed Action and reasonably foreseeable future actions would be served by the City of Bemidji police and fire department and residents would have access to the nearby hospitals, recreational areas, and schools. The city's Comprehensive Plan includes planning for community services and facilities and outlines plans for expansion of these services based on community growth outlook and zoning. Because the Proposed Action fits within the zoning for the area, cumulative potential effects are not expected.

#### *Solid and Hazardous Materials*

Construction of the Proposed Action and reasonably foreseeable future actions would result in the potential for short-term adverse impacts due to the presence and use of petroleum and hazardous waste products during construction. Proper handling and storage of these substances would minimize the risk of spills. Following development, the Veterans Home and reasonably foreseeable developments would generate wastes typical of office and medical facilities. Adherence to local, state, and federal regulations would minimize the potential for contamination and solid wastes would be managed through facilities available within the community. Therefore, significant adverse cumulative impacts are not expected.

#### *Transportation and Parking*

Construction of the Proposed Action and reasonably foreseeable future actions would create additional traffic to the area, resulting in short-term impacts from construction employees accessing the development sites. Construction activities would likely be spaced out over time, thus reducing the potential for short-term impacts from construction traffic. Development of the Proposed Action and reasonably foreseeable future actions would likely require expansion of the transportation networks in that area. The City's Comprehensive Plan includes planning for transportation and outlines plans for expansion based on the community growth outlook and zoning. Because the Proposed Action fits within the zoning for the area, cumulative potential effects are not expected.

#### *Utilities*

The Proposed Action and reasonably foreseeable future actions would require modifications to the utility network. Several utilities would require extension. The City's Comprehensive Plan includes planning for utilities and outlines plans for expansion based on the community growth outlook and zoning. Because the Proposed Action fits within the zoning for the area, cumulative potential effects are not expected.

#### *Environmental Justice*

The Proposed Action and reasonably foreseeable future actions would likely result in short-term, minor noise and visual impacts during construction, but these are not expected to disproportionately impact environmental justice populations. Construction of these projects may make a slight contribution to the local economy during construction through the possible use of local construction materials and supplies as well as use of local businesses by construction employees. No significant cumulative impacts are expected.



### **3.17 Potential for Generating Substantial Controversy**

The MDVA and City of Bemidji have solicited input from various federal, state, and local entities with regard to the Proposed Action. None of the input has suggested opposition or the potential for substantial controversy. MDVA is publishing and distributing this Draft EA for a 30-day public comment period. Public comments will be considered and addressed in the Final EA.

## 4 PUBLIC INVOLVEMENT

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Pursuant to its tribal consultation responsibilities, VA consulted with federally-recognized tribes with interests in Beltrami County, Minnesota as defined in the Tribal Directory Assessment Tool (<http://egis.hud.gov/TDAT/>). The current status of tribal consultation can be found in section 3.4

MDVA coordinated with the following agencies to request review and comments on the Proposed Action (agency coordination is provided in **Appendix B**.

### State Agencies

MN State Historic Preservation Office (SHPO)

- Letter of No Adverse Effect

### Federal Agencies

US Department of Veterans Affairs

- Approval of Phase I Environmental Site Assessment

US Fish and Wildlife Service (automated reply from IPaC systems)

- Letter of May Affect – Not likely to adversely affect for the northern long-eared bat.
- Informal consultation with USFWS for Canada lynx May Affect – Not likely to adversely affect.

MDVA also provided information regarding the project on their public webpage at <https://mn.gov/mdva/homes/futurehomes/> and the *Bemidji Pioneer* provided information on the project in a April 1, 2021 article.

The EA is available for public review online on the Minnesota Department of Veterans Affairs website at <https://mn.gov/mdva/homes/futurehomes/>. Comments may be submitted until the close of the 30-day public comment period on June 23, 2021 via email to [ryan.allen@state.mn.us](mailto:ryan.allen@state.mn.us) or by mailing them to:

Ryan Allen, Construction Project Coordinator  
Minnesota Department of Administration  
309 Administration Building  
50 Sherburne Avenue  
St Paul, MN 55155

### **This document is also available by request from:**

Minnesota Department of Administration  
Ryan Allen, Construction Project Coordinator  
[ryan.allen@state.mn.us](mailto:ryan.allen@state.mn.us)  
Phone: 651-201-2392

### **A hard copy of the EA is available at the following location:**

Bemidji City Hall  
317 4<sup>th</sup> Street Northwest  
Bemidji, MN 56601  
Phone: 218-759-3560  
Monday - Friday 8 am – 4:30 pm

## 5 MITIGATION

The following Table provides a description of impacted resources and applicable mitigation measures.

**Table 2: Summary of Impacted Resources and Mitigation Measures**

Resource	Proposed Action	Mitigation Measure (if applicable)
Aesthetics	Temporary impacts during construction. No long-term adverse impact	N/A
Land Use	No adverse impact	N/A
Air Quality	Particulate emissions during construction are below the de minimis threshold level. Emissions would comply with all permit requirements and regulations. No significant adverse impact.	<p>During construction: construction vehicle BMPs such as using compressed natural gas and minimizing idling of vehicles.</p> <p>During operation:</p> <ul style="list-style-type: none"> <li>• Use energy efficient building materials</li> <li>• Install energy star appliances and programable thermostats</li> <li>• Install smart irrigation, or no irrigation at all</li> <li>• Utilize the city's recycling program and compost site</li> </ul>
Cultural Resources	No adverse impact.	If during construction cultural resources are discovered construction would halt and the SHPO and the Leech Lake Band of Ojibwe would be consulted.
Geology and Soils	<p>Temporary increase in potential for erosion during construction.</p> <p>No adverse impact.</p>	<p>During construction: Erosion control BMPs will be in place throughout construction.</p> <p>Project will require NPDES Permit. A plan review by the City will be required to review erosion control.</p>
Hydrology and Water Quality	<p>During construction: Potential for construction runoff to impact surface water quality.</p> <p>During operation: Increase in impervious will increase runoff.</p> <p>No adverse impact.</p>	<p>During construction: Erosion control BMPs will be in place throughout construction.</p> <p>During operation: the project's increased impervious will be required to meet the MPCA's rate control, water quality, and volume control requirements. Project will require NPDES Permit. A plan review by the City will be required to review stormwater design.</p>
Wildlife and Habitat	Removal of trees may result in some displacement. No adverse impact to listed species.	Tree removal will be limited to August 1 – May 31 to avoid impact to the northern long-eared bat.

<b>Resource</b>	<b>Proposed Action</b>	<b>Mitigation Measure (if applicable)</b>
Noise	<p>During construction: temporary increase in noise is expected.</p> <p>During operation: Noise levels are not expected to exceed state thresholds. No adverse impact.</p>	<p>During construction:</p> <ul style="list-style-type: none"> <li>• Construction during normal business hours.</li> <li>• Equipment will meet local, state, and federal noise regulations.</li> <li>• Construction personnel will wear OSHA-compliant hearing protection.</li> </ul>
Floodplains and Wetlands	No adverse impact.	N/A
Socioeconomics	<p>Possible short-term localized beneficial impact to employment during construction as well as a positive workforce development and employment opportunities following completion.</p> <p>No adverse impact.</p>	N/A
Community Services	Beneficial impact by providing nursing care services for Veterans and their families.	N/A
Solid and Hazardous Waste	<p>Solid waste generated during construction and operation would be typical of similarly sized projects and residential facilities. Would comply with all regulations.</p> <p>No adverse impact.</p>	<p>Proper handling and storage of these substances in compliance with the NPDES/SDS permit. SWPPP would outline the requirements for minimizing spill risk.</p> <p>Solid waste reduction would also be prioritized during construction, with at least 75% of nonhazardous construction and demolition waste diverted from a landfill.</p>
Transportation and Parking	<p>During construction: short-term impacts from construction access.</p> <p>During operation: Access will be provided from Anne Street. 83 parking stalls will be constructed. Traffic generation expected to be minimal.</p> <p>No adverse impact.</p>	A right-of-way permit will be required from the City for work within the right-of-way for Anne Street. A plan review by the City will be required.
Utilities	No adverse impact.	A plan review by the City will be required.
Environmental Justice	No adverse impact.	N/A

## 6 LIST OF PREPARERS

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<b>Minnesota Department of Administration</b>
Minnesota Department of Administration Ryan Allen, Construction Project Coordinator
<b>Minnesota Department of Veterans Affairs</b>
Minnesota Department of Veterans Affairs Mike Jandro, State Program Administrative Manager
<b>Consultant Staff</b>
WSB & Associates, Inc. Roxy Robertson, Senior Environmental Scientist

## 7 REFERENCES CITED

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EPA (Environmental Protection Agency). 2016a. *The Green Book Nonattainment Areas for Criteria Pollutants*. Updated September 27. <https://www.epa.gov/green-book>

Natural Resource Conservation Service (NRCS)  
2019 Beltrami Soil Map. Accessed online May 2021:  
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1992 Title 36, Parks, Forests, and Public Property Part 60.4: National Register of Historic Places. Criteria for Evaluation. Code of Federal Regulations. Revised from 1966 16 USC 470. Government Printing Office.

2000 Title 36, Parks, Forests, and Public Property Part 800: Advisory Council on Historic Preservation. Protection of Historic Properties. 16 USC 470s. Code of Federal Regulations. Government Printing Office.

2013 National Register Bulletin. Guidelines for Evaluating and Documenting Traditional Cultural Properties. Accessed online:  
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FEMA (Federal Emergency Management Agency). FEMA Flood Map Service Center  
<https://www.fema.gov/portal/home>. Accessed May 2021.

## 8 LIST OF ACRONYMS AND ABBREVIATIONS

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BMP	best management practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
dBA	A-weighted decibel
EA	environmental assessment
EIS	environmental impact statement
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	finding of no significant impact
FPPA	Farmland Protection Policy Act
USFWS	U.S. Fish and Wildlife Service
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
MDVA	Minnesota Department of Veterans Affairs
MN DNR	Minnesota Department of Natural Resources
MPCA	Minnesota Pollution Control Agency
OSHA	Occupational Safety and Health Administration
SHPO	state historic preservation office
SIP	state implementation plan
SWPPP	Stormwater Pollution Prevention Plan
VA	U.S. Department of Veterans Affairs
VOC	volatile organic compound
WOUS	Water of the United States

## **APPENDIX A**

### **Figures**

- Figure 1 – Project Location
- Figure 2 – Proposed Action Layout
- Figure 3 – Zoning
- Figure 4 – Areas of Prime Farmland
- Figure 5 – Water Resources
- Figure 6 – Sanitary Service Areas





**Figure 1: Project Location**  
Bemidji VA Home



0 5,000  
Feet  
1 inch = 5,000 feet







**Figure 2: Proposed Action Layout**  
Bemidji VA Home



0 200  
1 inch = 200 feet







**Figure 3: Zoning**  
Bemidji VA Home



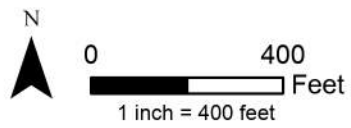
0 400  
Feet  
1 inch = 411 feet



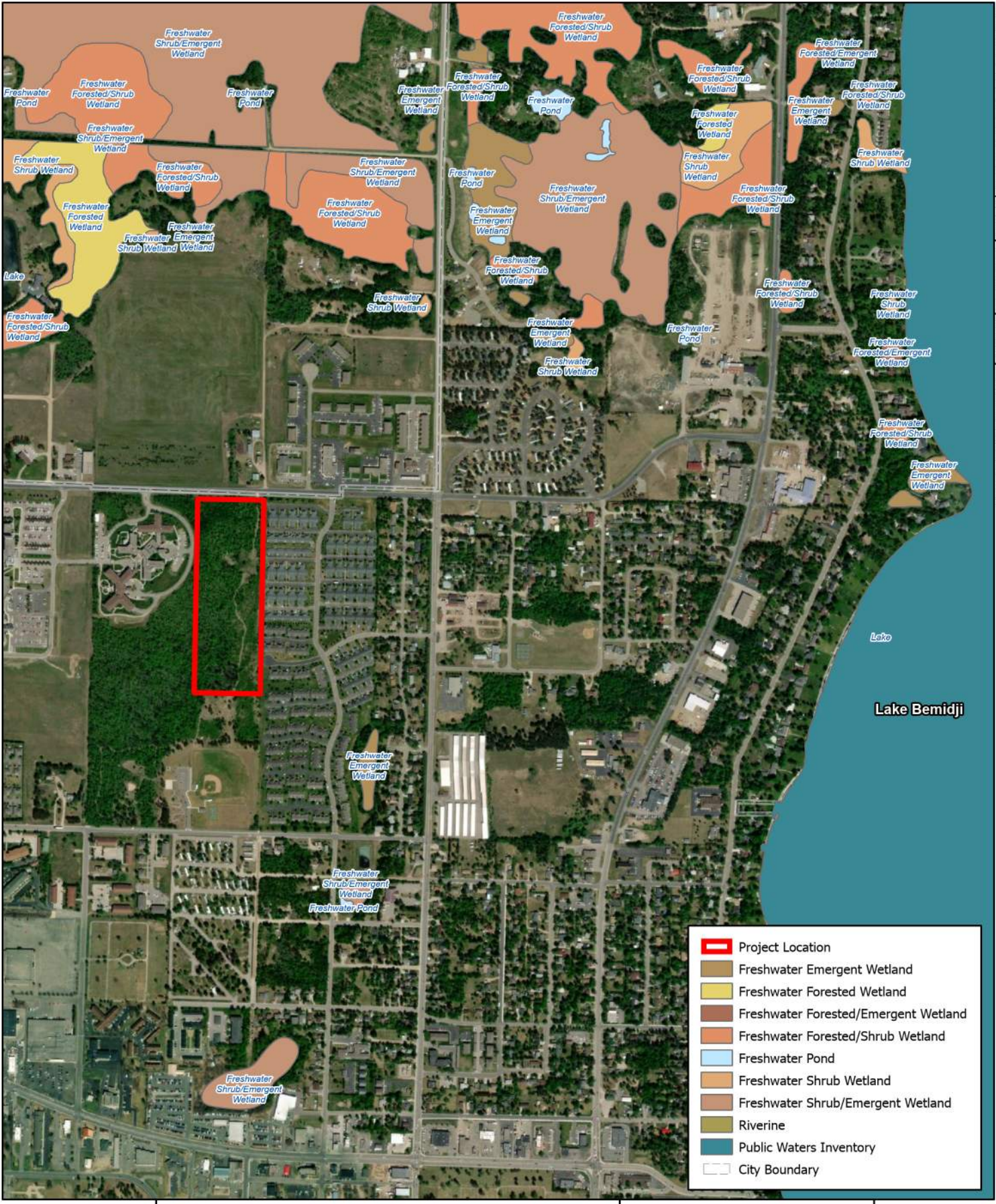




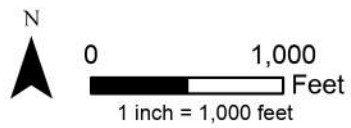
**Figure 4: Areas of Prime Farmland**  
Bemidji VA Home







**Figure 5: Water Resources**  
Bemidji VA Home







**Figure 6: Sanitary Service Areas**  
Bemidji VA Home



0 400  
Feet  
1 inch = 400 feet



**Appendix B**  
**Agency Correspondence**

State Historic Preservation Office  
Section 106



May 20, 2019

Mr. Mike Jandro, Program Manager  
Minnesota Department of Veterans Affairs  
20 West 12<sup>th</sup> Street  
St. Paul, MN 55155

RE: VA FAI # 27-051  
Construction of a new 72 Bed Skilled Nursing Home (Bemidji Veterans Home)  
928 Anne Street NW, T147 R33 S32 SE, Bemidji, Beltrami County  
SHPO Number: 2019-1427

Dear Mr. Jandro:

Thank you for initiating consultation on the above project. Information received in our office on April 23 and April 25 2019 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. Stat. 138.665-666) and the Minnesota Field Archaeology Act (Minn. Stat. 138.40).

We have reviewed your agency's April 23, 2019 submittal which included the following document and associated appendices titled *New Veterans Home, Bemidji, MN, Schematic Design* (March 22, 2019, Wold Architects and Engineers/Perkins-Eastman). We also acknowledge receipt of the letter dated April 25, 2019 from the U.S. Department of Veterans Affairs authorizing the Minnesota Department of Veterans Affairs to initiate Section 106 consultation with our office and others.

#### **Define the Undertaking and Area of Potential Effect**

We understand that the proposed undertaking involves the construction of a new 72-bed veterans home facility on a 14.5 acre undeveloped site on the northern edge of Bemidji and is identified as "wooded." Although your agency has provided detailed documentation as it pertains to the location of the proposed veterans home, you have not specifically defined the proposed federal undertaking's Area of Potential Effect (APE) as specified under 36 CFR 800.4(a)(1) and 36 CFR 800.16(d). Absent this definition, we assume that your agency has taken into consideration the proposed undertaking's potential for direct and indirect effects to historic properties if any were to be located within the APE.

#### **Identification of Historic Properties**

Your April 23<sup>rd</sup> submittal indicates that the proposed construction site is vacant and currently wooded, but you have not provided any narrative summary of efforts your agency has taken to identify either historic/architectural properties or archaeological sites listed in or eligible for listing in the National Register of Historic Places, as required under 36 CFR 800.4(a-c).

September 10, 1994

Based upon our online research using Google maps, it appears as though the immediately surrounding area (APE) consists of buildings built within the past 20-25 years. Our historic/architectural survey inventory, which is limited for this area, does not include any previously-identified historic properties in the immediate vicinity.

Regarding archaeology, we appreciate the opportunity to review the Phase I Environmental Site Assessment Report which provides information regarding geology, topography, soils, and past uses of the property. Our records indicate that there are no recorded archaeological sites within the project's construction area, and we believe that the likelihood for intact archaeological sites being present at this location is very low. Therefore, we do not believe that an archaeological survey is warranted for the project as currently proposed.

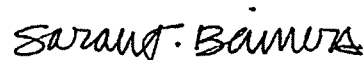
#### **Finding of Effect**

Based on our review of the documentation submitted to our office, as well as other information that is available to us at this time, we find that **no historic properties will be affected** by this undertaking as it is currently proposed.

You have not provided any indication that your agency, acting on behalf of the federal agency, has received any meaningful comments from the public or other consulting parties, regarding this proposed undertaking and its potential to affect historic properties. Please follow up with our office if this is not the case.

Please contact Kelly Gragg-Johnson, Environmental Review Specialist, at (651) 201-3285 or [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us) if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

*cc via email:* Anna Gaug, Program Manager, VA State Veterans Home Construction Grant Program

US Fish and Wildlife Service  
Section 7

April 30, 2021

U.S. Fish and Wildlife Service  
Minnesota-Wisconsin Field Office  
5600 American Blvd W #900  
Bloomington, MN 55437

Re: Section 7 Determination Concurrence  
Consultation Code: 03E19000-2021-SLI-1372  
Event Code: 03E19000-2021-E-04203  
Bemidji Veterans Affairs Homes  
WSB Project No. 018080-000

Dear U.S. Fish and Wildlife Service:

We are requesting concurrence from the U.S. Fish and Wildlife Service that the proposed Bemidji Veterans Home site is not likely to adversely affect the Canada lynx (*Lynx canadensis*), potential habitat, or critical habitat.

Veterans Affairs is proposing to construct an approximately 70,000 square foot veteran's home at 920 Anne Street NW in Bemidji, MN within Section 32 of Township 147N and Range 33W. Construction will begin in the fall of 2021 on a vacant lot consisting of approximately 18 acres. They are securing grant funding from the Department of Administration for the construction of this home. The lot is mostly tree-covered, with sparser vegetation at the southeast corner and a gravel pit near the center of the property. The property is surrounded by a residential development to the west, a multi-unit senior living facility to the west, vacant land to the south and southwest, commercial land to the northeast, and the former site of a landfill to the northwest.

We used the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website for an official species list and any critical habitat that may be present within the project area. There are 2 species present and no critical habitat. Species that may be present include northern long-eared bat (*Myotis septentrionalis*) and Canada lynx (*Lynx canadensis*). No critical habitat is located in the project area.

The IPaC determination key was used for the northern long-eared bat and the determination letter is attached. We determined that this project "may affect – but is not likely to adversely affect" this species.

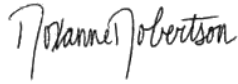
The project area is located at the far western edge of the range for the Canada lynx and is not located in critical habitat. We completed a desktop analysis of the project area and habitat at the site consists of small to medium, mixed deciduous and coniferous trees. Based on the species profile for the Canada lynx and their prey, snowshoe hare (*Lepus americanus*), the site could provide habitat for transient or dispersing individuals of this species. No known surveys of these species have been completed at the site. Since the project will be clearing trees and removing potential habitat but is located at the far peripheral range in a location with few known populations of the lynx, we determined that this project "may affect – but will not adversely affect" the Canada lynx.

On behalf of the Department of Administration, we request concurrence with our determinations.

April 30, 2021  
Page 2

Sincerely,

WSB

A handwritten signature in black ink that reads "Roxanne Robertson". The signature is written in a cursive style with a large initial 'R'.

Roxy Robertson  
Senior Environmental Scientist

Attachments: species list

cc: Ryan Allen, VA



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
4101 American Blvd E  
Bloomington, MN 55425-1665  
Phone: (952) 252-0092 Fax: (952) 646-2873  
<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:  
Consultation Code: 03E19000-2021-SLI-1372  
Event Code: 03E19000-2021-E-04203  
Project Name: Bemidji VA

April 29, 2021

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

### Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation

for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

### Consultation Technical Assistance

Please refer to the Midwest Region [S7 Technical Assistance](#) website for step-by-step instructions for making species determinations and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

### Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) through the S7 Technical Assistance website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **No Effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.
3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

### Northern Long-Eared Bats

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Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
  - Any activity in or near the entrance to a cave or mine,
  - Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
  - Construction of one or more wind turbines, or
-



- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

*If none of the above activities are proposed*, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

*If any of the above activities are proposed*, please use the northern long-eared bat determination key in IPaC. This tool streamlines consultation under the 2016 rangewide programmatic biological opinion for the 4(d) rule. The key helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. No further review by us is necessary. Please visit the links below for additional information about "may affect" determinations for the northern long-eared bat.

[NLEB Section 7 consultation](#)

[Key to the NLEB 4\(d\) rule for federal actions that may affect](#)

[Instructions for the NLEB 4\(d\) assisted d-key](#)

[Maternity tree and hibernaculum locations by state](#)

## **Other Trust Resources and Activities**

*Bald and Golden Eagles* - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

*Migratory Birds* - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

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*Communication Towers* - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

*Transmission Lines* - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

*Wind Energy* - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

## **State Department of Natural Resources Coordination**

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

### *Minnesota*

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [Review.NHIS@state.mn.us](mailto:Review.NHIS@state.mn.us)

### *Wisconsin*

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [DNRERReview@wi.gov](mailto:DNRERReview@wi.gov)

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We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- Migratory Birds

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**

4101 American Blvd E  
Bloomington, MN 55425-1665  
(952) 252-0092

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## Project Summary

Consultation Code: 03E19000-2021-SLI-1372

Event Code: 03E19000-2021-E-04203

Project Name: Bemidji VA

Project Type: Federal Grant / Loan Related

Project Description: Veteran's Affairs is proposing to construct veteran homes.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.5027453,-94.89167906435429,14z>



Counties: Beltrami County, Minnesota

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## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10

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NAME	BREEDING SEASON
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

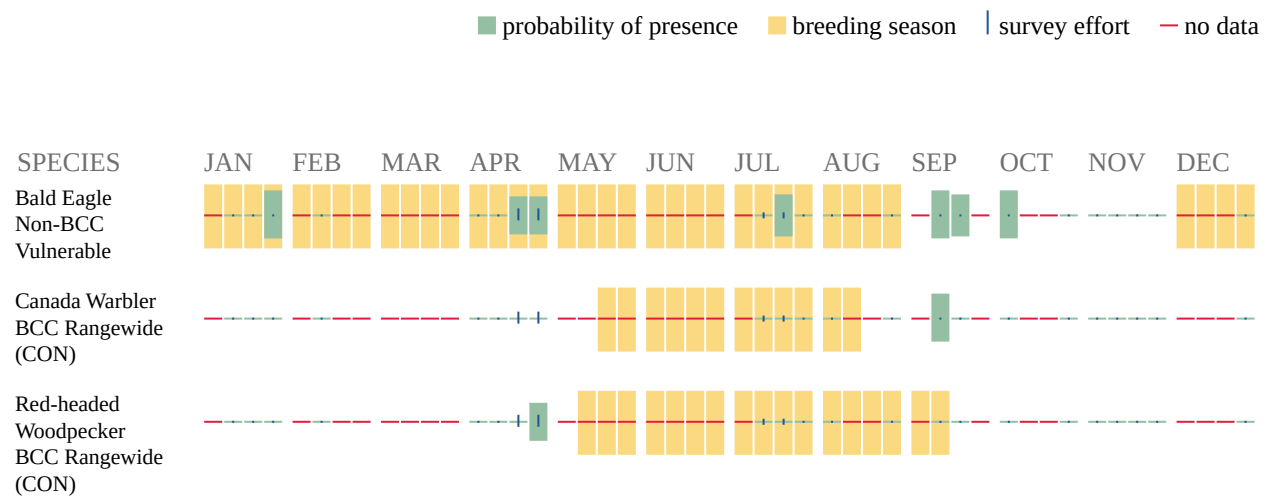


### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
  2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
-

3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell

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me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
4101 American Blvd E  
Bloomington, MN 55425-1665  
Phone: (952) 252-0092 Fax: (952) 646-2873  
<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>



In Reply Refer To:

April 29, 2021

Consultation code: 03E19000-2021-TA-1372

Event Code: 03E19000-2021-E-04200

Project Name: Bemidji VA

Subject: Verification letter for the 'Bemidji VA' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Roxy Robertson:

The U.S. Fish and Wildlife Service (Service) received on April 29, 2021 your effects determination for the 'Bemidji VA' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"<sup>[1]</sup> prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Canada Lynx *Lynx canadensis* Threatened

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Bemidji VA

**2. Description**

The following description was provided for the project 'Bemidji VA':

Veteran's Affairs is proposing to construct veteran homes.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@47.5027453,-94.89167906435429,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may

affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?  
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")  
No
3. Will your activity purposefully **Take** northern long-eared bats?  
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?  
**Automatically answered**  
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html](http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html).

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?  
No
  7. Will the action involve Tree Removal?  
Yes
-

8. Will the action only remove hazardous trees for the protection of human life or property?

*No*

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

*No*

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

*No*

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## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

15

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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## Roxy Robertson

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**From:** Kosterman, Megan K <megan\_kosterman@fws.gov>  
**Sent:** Monday, May 10, 2021 11:18 AM  
**To:** Roxy Robertson  
**Subject:** Bemidji Veterans Affairs Homes Project

Dear Roxanne Robertson,

The U.S. Fish and Wildlife Service (Service) has reviewed the information provided in your April 30, 2021, letter regarding the proposed Bemidji Veterans Affairs Homes Project (Project) in Beltrami County, Minnesota and provides the following response according to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

### *Canada lynx*

We concur that this project may affect but is not likely to adversely affect the Canada lynx (*Lynx canadensis*). There is no designated critical habitat for Canada lynx within the Project area. The Project involves approximately 18 acres of tree clearing of small to medium mixed deciduous and coniferous trees that may provide temporary foraging habitat for a transient or dispersing lynx. The tree clearing is likely to result in insignificant or discountable impacts to Canada lynx, based on the low likelihood that a lynx would be present in the Project area as it is located on the western periphery of the range in Minnesota where there are no documented resident lynx; and the ability for this highly mobile species to move into available nearby habitat.

### *Northern long-eared bat*

The Service acknowledges your use of the 4(d) rule to fulfill project-specific section 7(a)(2) responsibilities for the northern long-eared bat (*Myotis septentrionalis*). Thank you for utilizing the online assisted determination key for this species.

This concludes consultation under Section 7 of the Endangered Species Act, as amended for the species listed above. Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your original request. If you have any questions regarding our response or if you need additional information, please contact me via email at [megan\\_kosterman@fws.gov](mailto:megan_kosterman@fws.gov).

Best regards,

Megan Kosterman

Megan Kosterman  
U.S. Fish and Wildlife Service  
Minnesota-Wisconsin Field Office  
Bloomington, MN  
[megan\\_kosterman@fws.gov](mailto:megan_kosterman@fws.gov)

US Department of Veterans Affairs

**Date:** 9/18/2019  
**From:** Christine Modovsky, Office of Construction & Facilities Management  
**To:** **Office of Capital Asset Management Support, State Home Grant Program**  
**Subject:** FAI 27-051  
Construction: 72-bed facility  
Bemidji, MN

**B2A Phase I Environmental Site Assessment**

1. We have reviewed the state's submission identified above.

The project scope consists of constructing and operating a 72-bed, 89,000-square-foot State Veterans Home in Bemidji, MN. The 18-acre site is currently vacant and mostly tree-covered, with sparser vegetation at the southeast corner and a gravel pit near the center of the property.

The Phase I environmental site assessment is acceptable. The following recognized environmental condition (REC) was identified in the report:

The presence of the "Closed" Kummer Sanitary Landfill to the northwest appears to pose an off-site REC to the subject property; however, additional review of MPCA [Minnesota Pollution Control Agency] files could address this concern. At a minimum a record review is warranted for assure that methane gas or other soil gas concerns have not affected surrounding properties. The landfill is managed by the MPCA and owned by the State.

2. Approval of the Phase I ESA is recommended, including conducting a follow-up records review as described above. As this project progresses, VA will continue to track this issue:
  - a. As the state undertakes the NEPA review (environmental assessment) for this project, VA will be looking in the EA for documentation confirming the follow-up investigation as recommended above and, if needed, a plan for mitigation to address the offsite REC (closed landfill).
  - b. If the follow-up records review identifies a need for onsite field investigation and sampling to delineate or quantify this issue, any such efforts and resulting reports should follow *ASTM Standard E1903-11: Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process*.

Christine Modovsky  
U.S. Department of Veterans Affairs  
Office of Construction & Facilities Management  
425 I Street NW, Washington DC 20001  
202.632.5352  
[christine.modovsky@va.gov](mailto:christine.modovsky@va.gov)

## Roxy Robertson

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**From:** jreckinger@chosenvallleytesting.com  
**Sent:** Friday, April 10, 2020 12:06 PM  
**To:** Bork, Jeremy (ADM)  
**Subject:** Kummer Landfill File Review  
**Attachments:** Record Review Summary.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hi Jeremy,

I have completed my review of the available documents pertaining to the Kummer Landfill site, which was identified in Phase I ESA of the proposed Bemidji Veterans Home facility as a possible vapor source. Luckily, the MPCA conducted a vapor survey at the landfill in 2019, providing the necessary data to alleviate our concerns of vapor migration onto your site. Please find my review summary attached. If you have any further questions, please let me know. I will issue an invoice next week. Should I send it to you, or is there a billing department I should send it to?

Best regards,

James Reckinger  
Chosen Valley Testing – Staff Geologist  
O: 651-888-6121  
C: 651-274-6562  
jreckinger@chosenvallleytesting.com



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[www.avg.com](http://www.avg.com)